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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;  
16 OTTOMOTTO LLC; OTTO TRUCKING  
LLC,

17 Defendants.

CASE NO. 3:17-cv-00939-WHA

**PLAINTIFF WAYMO LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL ITS OPPOSITION TO  
UBER'S SUMMARY JUDGMENT  
PRÉCIS**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal information in its Opposition to Uber’s Motion for Summary Judgment Précis (“Waymo’s Opposition”). Specifically, Waymo requests an order granting leave to file under seal the portions of the documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Portions of Waymo’s Opposition	Portions highlighted in blue	Defendants
	Portions highlighted in green	Waymo
Exhibit 1 to Waymo’s Opposition	Portions highlighted in green	Waymo
Exhibit 2 to Waymo’s Opposition	Portions highlighted in green	Waymo
Exhibit 3 to Waymo’s Opposition	Portions outlined in blue	Defendants
	Portions highlighted in green	Waymo
Exhibit 4 to Waymo’s Opposition	Entire Document	Defendants
	Entire Document	Waymo

## **I. LEGAL STANDARD**

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

## **II. UBER’S CONFIDENTIAL INFORMATION**

Waymo seeks to seal the portions of Waymo’s Opposition (portions highlighted in blue) and exhibits 3 (portions outlined in blue) and 4 (entire document) only because Defendants have designated the information confidential and/or highly confidential. Declaration of Lindsay Cooper (“Cooper Dec.”), ¶ 3. Waymo expects Defendants to file one or more declarations in accordance with the Local Rules. *Id.*

### 1 **III. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

2 The Court should seal the portions of Waymo’s Opposition, exhibits 1-3 (portions highlighted  
 3 in green), and exhibit 4 (entire document) identified by Waymo in the table above. Waymo seeks to  
 4 file this information under seal because it discloses Waymo’s trade secrets. *See* Cooper Dec., ¶ 4.  
 5 Courts have determined that trade secret information merits sealing. *Music Grp. Macao Commercial*  
 6 *Offshore Ltd. v. Foote*, No. 14-cv-03078-JSC, 2015 WL 3993147, at \*1 (N.D. Cal. June 30, 2015)  
 7 (quoting *Kamakana*, 447 F.3d at 1179); *see also Brocade Commc’ns Sys., Inc. v. A10 Networks, Inc.*,  
 8 No. C 10-3428 PSG, 2013 WL 211115, at \*1, \*3 (N.D. Cal. Jan. 17, 2013) (granting request to seal  
 9 document that “consists entirely of descriptions of Brocade’s trade secrets.”). Waymo seeks to seal  
 10 confidential trade secret information that fit squarely within these categories. Cooper Dec. ¶ 4.  
 11 Waymo maintains this information as a trade secret (*see* Dkt. 25-31) and ensures the information  
 12 remains secret with strict secrecy and security protocols (*see* Dkt. 25-47; Dkt. 25-49.). *Id.* Waymo  
 13 has narrowly tailored its requests to only information meriting sealing. *Id.* In fact, both *Music Grp.*  
 14 and *Brocade* found the confidential information at issue in those cases met the heightened  
 15 “compelling reasons” standard for sealing. *Music Grp.*, 2015 WL 3993147, at \*1; *Brocade*, 2013 WL  
 16 211115, at \*1, \*3. The information that Waymo seeks to seal, therefore, also meets this heightened  
 17 standard. The disclosure of Waymo’s trade secret would harm Waymo. Cooper Dec. ¶ 4. Moreover,  
 18 the scope of information that Waymo is seeking to seal is consistent with other administrative motions  
 19 to seal that have already been granted by the Court in this case. (*See* Dkt. 681.) Thus, the Court  
 20 should grant Waymo’s administrative motion to seal.

1 **IV. CONCLUSION**

2 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the  
3 above listed documents accompany this Administrative Motion. For the foregoing reasons,  
4 Waymo respectfully requests that the Court grant Waymo's Administrative Motion.

5  
6 DATED: August 24, 2017

QUINN EMANUEL URQUHART & SULLIVAN,  
LLP

7  
8 By /s/ Charles Verhoeven

Charles Verhoeven

9 Attorneys for WAYMO LLC  
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